

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Montemar
TM 5316RPL², Log No. 03-14-031**

June 8, 2006

I. Introduction

The project is a proposed 13-lot subdivision of a 7.57-acre parcel. Development of the project would include grading and construction of two cul-de-sac roads from Montemar Drive, driveways and building pads for 13 homes, and the extension of utility lines.

The project is located 400 feet south of Austin Drive on the south side of Montemar Drive (APN: 504-242-41) in the Spring Valley Community Planning Area of unincorporated San Diego County. The site is also located in the Metro-Lakeside-Jamul Segment within the County of San Diego Subarea Plan of the Multiple Species Conservation Program (MSCP).

Although residential development completely surrounds the project in all directions, there is an undeveloped area close to 200 acres in size to the south along Dictionary Hill. In addition, within 5,000 feet of the project vicinity, there are multiple open space easements. However, all but two are less than three acres in size. One is approximately three acres and the second, which is more than 2,800 feet away, is 55 acres (approx.). The 55-acre open space area is connected to the undeveloped land along Dictionary Hill. However, there is no connectivity between any of the open space easements.

On-site resources consist of 7.46 acres of non-native grasslands and 0.11 acres of coastal sage scrub. All habitat will be impacted and mitigated off-site. This includes the purchasing of 3.73 acres of non-native grasslands (1/2:1 ratio) and 0.11 acres of coastal sage scrub (1:1) in a County approved mitigation bank. No sensitive plant and/or animal species were observed on-site and the removal of 0.11 acres of Coastal sage scrub is not expected to impact the survival or recovery of the California gnatcatcher.

Mitigation measures are discussed in the Biological Letter Report prepared by Vince Scheidt and Shannon Allen, dated February 27, 2006.

Table 1. Impacts to habitat and required mitigation.

Habitat Type	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Non-native grassland	7.46	7.46*	0.5:1	3.73
Coastal sage scrub	0.11	0.11	1:1	0.11
Total:	7.57	7.57	--	3.84

The findings contained within this document are based on County records, staff field site visits and the Biological Letter Report prepared by Vince Scheidt and Shannon Allen, dated February 27, 2006. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

I. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not mapped as a PAMA within the MSCP. In addition, no PAMA is within 2 miles of the project in any direction. However, a portion of planned preserve is within ¼ mile to the southeast.

- ii. **The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site contains no sensitive or listed species. It is not adjacent to any PAMA. Although the project site contains Coastal sage scrub (CSS), the loss of such a small amount of CSS (0.11 acres) and the level of development around the project will not reduce the long-term survival of the California gnatcatcher.

- iii. **The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
 - a. **Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. **Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The project site is entirely surrounded by residential development and is relatively flat. No topographic or other feature exists that would provide for wildlife movement. The land is not identified as a key linkage in between populations of California gnatcatchers.

- iv. **The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The project site is mapped as developed and low habitat value. It is also not connected with any other open space.

- v. **The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is 7.57 acres in size and is completely surrounded by residential development. There are 7.46 acres of non-native grasslands and 0.11 acres of CSS.

- vi. **The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**

- a. **Gabbroic rock;**
- b. **Metavolcanic rock;**
- c. **Clay;**
- d. **Coastal sandstone.**

The project site does not contain any sensitive or listed species, is not adjacent or contiguous with undisturbed habitat, and does not have any sensitive soils.

- B. **Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

Mitigation will take place within a County approved mitigation bank. Therefore, the mitigation site is a BRCA.

II. Biological Mitigation Ordinance Findings

- A. **Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project proposal will not impact Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species or Sensitive Plants or proposes impacts within a Biological Resource Core Area.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The project site is not located within a Pre-approved mitigation area or designated preserve area.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The project is within the County's MSCP but is not in a regional linkage. In addition, the site has a gentle slope to the south but does not support any linear, topographic or vegetative feature that would support wildlife movement.

III. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

No state or federal jurisdictional wetlands are on-site. Therefore, the no-net-loss policy has been met.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The project proposes to impact all on-site habitats. Mitigation will occur in a County approved mitigation bank. An approved mitigation bank has measures to ensure habitat structural diversity, including unique habitats

and features. Therefore, this project will conserve habitat structural diversity.

3. **The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

Habitats on-site were mapped as low to medium value. County approved mitigation banks are considered Biological Resource Core Areas. As such, mitigating within an approved bank guarantees that conserved coastal sage scrub and other habitats will be preserved within an extensive patch. This project proposes off-site mitigation of coastal sage scrub and non-native grasslands in a County approved mitigation bank. Therefore, it will contribute to the preservation of a large, extensive patch of coastal sage scrub and grassland of high to very high habitat value.

4. **The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

County approved mitigation banks have incorporated management design features that reduce edge effects and maximize surface area to perimeter. The project proposes to mitigate within an approved bank and therefore, will contribute to the preservation of a large, extensive patch of coastal sage scrub and grassland.

5. **The project provides for the development of the least sensitive habitat areas.**

No sensitive habitats or species were identified on-site. The project proposes to develop the entire site and mitigate within an approved bank. All impacted habitats were mapped as low to medium habitat value. Preservation of land within an approved bank will conserve higher value habitat than that being impacted.

6. **The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

No covered species or sensitive habitats were identified on-site. The coastal sage scrub consisted of two (2) isolated patches of less than 0.11 acres total. By mitigating low to medium value habitats within an

approved mitigation bank, the project will conserve higher quality habitat that will have long-term viability.

7. **Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project site does not support wide-ranging species and is not part of a larger block of native, undisturbed habitat. However, the project will mitigate within a County approved bank. By doing so, the project will contribute towards the establishment of a large, extensive block of land that will support wide ranging species such as mule deer, eagles and large predators.

8. **All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No critical populations and/or narrow endemic species were observed on-site.

9. **No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project site is located outside of any identified linkages and is not a biological resource core area suitable for preservation. However, the project will mitigate within a County approved bank. By doing so, the project will contribute towards the establishment of a system of open space areas/regional linkage. Therefore, the project will not jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

10. **All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The project will mitigate off-site in a County approved mitigation bank. Approved mitigation banks have incorporated design and management elements to reduce edge effects.

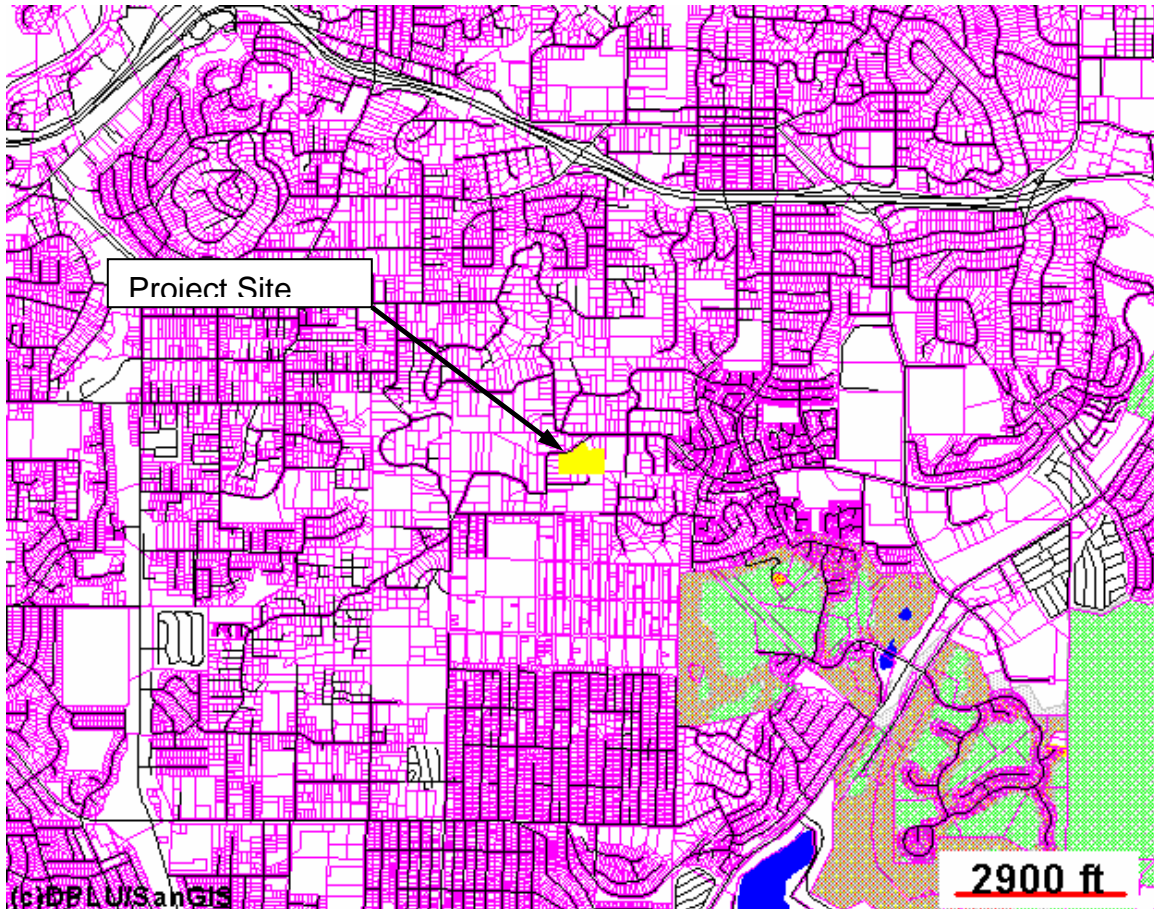
11. Every effort has been made to avoid impacts to BRCA's, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project is not a BRCA nor does it have any sensitive resource or species. By mitigating off-site, the project will contribute to the preservation of land that has been identified as having sensitive resources and potential for sensitive species.

Greg Krzys, Department of Planning and Land Use
June 8, 2006

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MSCP Designation For
Montemar
TM 5316RPL², Log No. 03-14-031



— Streets
— Freeways
□ Parcels
■ Lakes
— Rivers
- - - Creeks

■ Major Amend Area
■ Minor Amend Area
■ MSCP PAMA
■ Take Authorized Areas
■ Planned Preserve